



PATENT

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Date:

12/15/92

By:

Madeline Dexta

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Van Der Laan, et al.

Serial No. 07/565/673

Filed: August 10, 1990

For: EFFICIENT PRODUCTION OF
MUTANT PROTEASES

Examiner: K. Hendricks

Art Unit: 1814

DECLARATION OF
BIOLOGICAL CULTURE
DEPOSIT

Palo Alto, CA 94306

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I, the undersigned, an attorney authorized to act on behalf of Gist-brocades NV in matters relating to the subject patent application, hereby declare:

1. That Gist-brocades NV is the Assignee of the entire right, title and interest in and to the subject matter claimed in the above-entitled patent application as indicated by the assignment instrument executed by all inventors, said assignment instrument recorded on reel no. 5492, frame no. 0415.

2. That viable cell cultures of the following strains referred to in the specification of this application have been deposited with the American Type Culture Collection ("ATCC"), 12301 Parklawn Drive, Rockville, Maryland 20852.

Scientific Description
Bacillus sp. PB92

Reference

ATCC
Designation
31408

The strains, above, were deposited with the ATCC on May 8, 1978. A copy of the receipt of the culture deposit is enclosed.

3. That with respect to the permanence of the culture deposits the depository is the official depository in accordance with the Budapest Treaty for the above deposited culture.

4. That should the microorganisms mutate, become nonviable or be inadvertently destroyed, Applicants will replace such microorganisms for at least 30 years from the date of the original deposit, or at least 5 years from the date of the most recent request for a release of a sample or for the life of any patent issued on the above-mentioned application, whichever period is longer.

5. That, with respect to availability of the cultures, the deposits have been made under conditions of assurance of (a) ready accessibility thereto by the public if a patent is granted whereby all restrictions to the availability to the public of the cultures so deposited will be irrevocably removed upon the granting of the patent (MPEP 608.01(p)), and (b) access to the cultures will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 37 CFR 1.14 and 35 USC 122.

DECLARATION

I declare that all statements made here of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

COOLEY GODWARD CASTRO
HUDDLESON & TATUM

Date: December 15, 1992

By: Barbara Rae-Venter
Barbara Rae-Venter, Ph.D.
Reg. No. 32,750

BRV/ML/cbm

Cooley Godward Castro
Huddleson & Tatum
5 Palo Alto Square, 4th Floor
Palo Alto, CA 94306
(415) 494-7622

Enclosure: Biological Deposit Receipt



AMERICAN TYPE CULTURE COLLECTION

Gist-Brocades nv
P. O. Box 1
Wateringseweg 1
Delft, The Netherlands

| | | |
|------------------|------|------|
| RECEIVED | DATE | TIME |
| 22 | MEI | 1978 |
| DOSS. | | |
| NOTAS TAKEN ADM. | | |

BOARD OF TRUSTEES REPRESENTING

- American Association of Immunologists
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- National Research Council-National Academy of Sciences
- Society of Protozoologists
- Tissue Culture Association

• 201-691-2600

12301 PARKLAWN DRIVE
ROCKVILLE, MARYLAND 20852
May 10, 1978

Attention: Dr. J. A. van der Straeten

Gentlemen:

We received on May 8, 1978 a deposit of a culture of an organism identified as Escherichia coli sp. 92 strain.

This strain has been assigned the ATCC number 31408.

We understand that this organism is being deposited in the American Type Culture Collection (ATCC) in connection with the filing of an application for a patent in the United States Patent Office.

We further understand that the deposit of this culture does not grant to ATCC during the effective term of the patent anticipated a license, either express or implied, to infringe the patent, and our release of this culture to others does not grant them a license, either express or implied, to infringe the patent.

We further understand that if this culture should die or be destroyed during the effective life of the patent it shall be your responsibility to replace it with a living culture of the same organism.

We agree in consideration for an annual service charge per culture to preserve this culture and make it available for distribution for our usual fee until such time as ATCC receives notice that a United States patent has issued disclosing the above deposit. After such patent has issued the ATCC agrees to maintain the culture for the life of the patent at no additional charge to the depositor and to continue to make the culture available for distribution for our usual fee. The service charge is payable in advance for each year or fraction thereof from the deposit date to the date verified notice is received by the ATCC that the patent application or applications filed pursuant to this deposit have become either issued or abandoned in the United States Patent Office. Non-payment of the service charge within 90 days of the deposit date and subsequent anniversaries thereof automatically relieves the ATCC from the above provisions.

Sincerely yours,

Bobbie A. Brandon

By: (Mrs.) Bobbie A. Brandon
For: Director

An independent non-profit organization incorporated in Washington, D. C. and devoted to the preservation of reference cultures and their distribution to the scientific community
ATCC Form #39 - N.R.

Eff. 1-15-70

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